

THE NEW ETHICS BEAT

Miami-Dade County Commission on Ethics & Public Trust
19 West Flagler Street ■ Suite 209 ■ Miami, FL 33130 ■ 305 579-2594 ■ www.miamidade.gov/ethics

December 2005

Executive Director's Corner

One of the areas in the County Conflict of Interest Ordinance that is met with some resistance by employees is the outside employment section. Undoubtedly, County employees understand the County's interest in denying outside employment requests in those cases where such employment conflicts with their County job. However, many can't seem to grasp the reasons for disclosing outside employment completely unrelated to their public positions. The classic case is the full-time County employee who recently filed his outside employment form with our office, indicating that he was holding down a second job as Santa Claus at a local department store during the holiday season. One wonders what interests are served by requiring a County employee to receive permission from his superiors to dress up as St. Nick for seasonal work on the weekends and then by July 1st of the following year disclose the income earned from such work.

The fact is the relevant Code section does not carve out exceptions for secondary employment performed on the weekend or for work that bears no connection to the employee's County position. Thus, under the current regulations, all employees considering outside employment, no matter the type of work, must receive departmental permission and report their income from their outside jobs.

In mounting arguments for stringent outside employment regulations, one can delve into the ethical and managerial necessities for strong policies in this area. From an ethical standpoint, it seems perfectly appropriate for the public employer to adopt protocols enabling the employer to be aware of secondary employment that could potentially impair the public employee's independence of judgment in the performance of his/her government position.

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Ethics Commissioners

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Featured Commissioner Brenda Rivera

Brenda Rivera was appointed to the Commission on Ethics & Public Trust by the Dean of St. Thomas University School of Law in 2004. As an adjunct professor at St. Thomas, she directs and teaches in the family court and criminal placement clinics. Additionally, Ms. Rivera is a senior attorney for the Legal Aid Society of the Public Service Office of the Dade County Bar Association, where she supervises the domestic violence division and is responsible for implementing, developing, and overseeing new programs. Ms. Rivera received her B.S. degree from Florida International University and her Juris Doctorate degree from St. Thomas University School of Law.

Ethics and the Media Conference

A one-day conference geared toward South Florida government officials, journalists, and public relations professionals will be held on Friday, December 16, from 8:30 AM to 2:30 PM at the Kovens Conference Center, Florida International University, Biscayne Bay Campus, 3000 NE 151st St., Miami. Topics to be covered include "Spin Control: News Handling by Public Information Officers" and "The Private Lives of Public Officials: What's Off Limits?"

The keynote address will be given by former Miami Herald Columnist Edward Wasserman, currently a Knight Professor of Journalism Ethics at Washington & Lee University. Invited panelists include the Chief of Party for the Haiti Media Assistance and Civic Education Program Yves Colon, Miami Herald Executive Editor Tom Fiedler, former Hialeah Mayor Raul Martinez, Attorney Jose Quiñon, and Assistant U.S. Attorney Alicia Valle. The event is open to the public. Attorneys who attend can earn 7.5 CLE (Continuing Legal Education) credits. Sponsors are the Miami-Dade County Commission on Ethics, Florida International University, The Miami Herald, and the Society of Professional Journalists South Florida Chapter. For more information, contact the Miami-Dade County Commission on Ethics at 305-579-2594 or visit our website at www.miamidade.gov/ethics.

**Ethics
is
good business.**

Cable-TAP Television Ethics Series

The Miami-Dade County Ethics Commission, in conjunction with the Ethics Coalition, will host a series of six Miami-Dade Television Cable-TAP programs. Robert Meyers, Executive Director, and Robert Thompson, Community Outreach Coordinator, both from the Commission on Ethics, will be joined throughout the series by several other community leaders, including Eduardo Diaz, Executive Director of the County Independent Review Panel, Rebeca Sosa, County Commissioner, and Marta Perez, County School Board member.

The programs will cover such topics as the role of the Commission on Ethics, conflicts of interest, ethical government procurement practices, ethical rules governing private businesses and nonprofit organizations, ways to insure that campaigns and elections are ethical, and strategies for including ethics education in our schools.

In the Spotlight—Vendor-Sponsored Travel Expenses

A new amendment to the Ethics Code that prohibits employees and elected officials from accepting travel-related expenses from government vendors was the basis of a recent opinion rendered by the Ethics Commission at its November 2005 meeting.

In RQO 05-110, the Commissioners responded to a County employee who had registered for a conference related to his work at the Public Health Trust. He questioned whether he could attend a dinner event at the conference that was being underwritten in part by a County vendor.

The Ethics Commission found that the employee could attend the dinner because some of the cost of the dinner was included in the conference registration fee, which had been paid for by the Public Health Trust. Because lawful and adequate consideration had been given for part of the dinner through the registration fee, the dinner was not a gift. Consequently, the employee could attend and, additionally, was not required to disclose the dinner as a gift.

No government
is
worthy
of the
power to govern
unless it has the
respect
and
confidence
of the
people.

Advisory Board Training

All advisory board members must complete a 90-minute ethics course geared specifically to them by February 2006. To date, over 600 board members have complied. If you are an advisory board member who has not yet completed ethics training, please contact your board secretary or call us directly to schedule a session. We can be reached at (305) 579-2594 or via email at ethics@miamidade.gov.

City Attorneys Review Ethics Changes

Municipal attorneys joined Executive Director Robert Meyers and the Ethics Commission legal staff at an October luncheon to learn more about two recent amendments to the Ethics Code. Under discussion were Section 2-11.1 (w), which prohibits County [and city] vendors from paying government travel expenses, and Section 2-11.1 (x), which prohibits County [and city] employees and departmental personnel from making certain governmental decisions regarding their former private-sector employers for two years following private-sector employment. (References to the "County" in the Ethics Ordinance are also applicable to municipalities within the County.) Participants earned 1.5 CLE (Continuing Legal Education) credits.

Executive Director's Corner

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This type of conflicting employment ought to be avoided and should not be approved by an employee's superior. Similarly, from a manager's perspective, the employer has the right to demand productivity of the highest levels from its workforce. Employees who take on second jobs demanding long hours on the nights and weekends may be too tired or drained to give optimal performance, which is unfair to the taxpaying public.

The County's underlying reasons for outside employment are sound. The Ethics Commission, through the opinions it has issued and enforcement actions, expects government employees under its jurisdiction to comply with the applicable rules. By the same token, the Ethics Commission recognizes the need to be flexible and not blindly apply rules without considering all the relevant facts and circumstances.

You can report
unethical conduct
or
abuses
in local
government
anonymously.

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HOTLINE**
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